THE HON'BLE SRI JUSTICE B.PRAKASH RAO

AND

THE HON'BLE DR.JUSTICE G.YETHIRAJULU

WRIT APPEAL NO.1231 OF 2005.

Between

1.APSRTC rep. by its Chairman &

Managing Director, Mushirabad, Hyderabad

And 2 others

....Appellants

And

Sri P.V.Ramaiah son of Sri Balaramaiah

r/o 17/290, Upstairs, Hundekar street,

Guntakal, Anantapur district.

....Respondent

JUDGMENT (Per Sri B.Prakash Rao, J)

Heard both sides.

The appellants which is the corporation seeks to assail the order allowing the writ petition filed by the respondent herein seeking for a direction to consider his case for regularization of his services having regard to long service he has put in inspite of reasons expressed for absorption as such.

The claim of the petitioner in the writ petition was that initially he was appointed

as attender in the corporation on 18-11-1992 and since then he has been working and however in spite of the fact that he is entitled for regularization, his services were not regularized. Hence the writ petition.

After contest, the learned single Judge found that the petitioner is entitled for such regularization of services as admittedly he was working for the last more than 12 years and a direction was given to consider his case.

During the course of arguments it was pointed out on behalf of the corporation that another post was offered in place of which he is working and it is also stated that there are no vacancies and therefore, question of consideration of his case does not arise. However, on perusal of the counter affidavit filed on behalf of the petitioners, we do not find any base for such submissions. There is no whisper in the counter affidavit that there are no vacancies and the petitioner was offered another post. Admittedly, the petitioner was working and discharging his duties in the said post and therefore, he is entitled for regularization of services. Even otherwise on more than one occasion, this Court has granted time to the learned counsel for appellants to find out any vacancy position and the appellants have failed to come out with the vacancy position. In the circumstances, we do not find any merits in the appeal.

Accordingly, the writ appeal is dismissed. No costs.

B.PRAKASH RAO, J

G.YETHIRAJULU, J

Dated: 19-09-2005

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1